

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6

HON. THOMAS B. LINDBERG

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Rachel Roehe, Deputy Clerk

DATE: May 19, 2010

**FILED**

DATE: May 19, 2010

4:21 O'Clock P.M.

JEANNE HICKS, CLERK

BY: Rachel Roehe

Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

(D-1)

COUNSEL:

Yavapai County Attorney (e)

(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Jury Trial / Jury Selection – Day 9  
Pending Motions

NATURE OF PROCEEDINGS

COURT REPORTER

Roxanne Tarn & Sandra K Markham

START TIME: 8:46 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney  
Jeff Paupore, Deputy County Attorney  
Steven DeMocker, Defendant  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant  
Anne Chapman, Counsel for Defendant

Court convenes with the presence of the Defendant and Counsel.

Discussion takes place with regard to the use of electronics such as a PDAs or laptop computers by the Defense. The Court authorizes Defense Counsel to show the Defendant information on the computer, but the Court understands the security concern if someone inside or outside of the Courtroom appears to be texting at the same time.

Discussion takes place with regard to a Daily Courier article provided to the Defendant by his attorney, which was taken from the Defendant by jail staff. The Court requests that both sides check into the situation.

Discussion takes place with regard to the Defendant's scheduled visitation. Defense Counsel informs the Court that the Defendant has made requests for visitation on non-court dates, as his current visitation day is Friday, but the requests have been denied. The Court requests that the County Attorney's Office inquire to see if the Defendant's visitation days can be moved to Saturdays, Sundays, Mondays or alternating Tuesdays.

At 8:52 a.m., the following two jurors are called to the jury box.

The Court addresses the jurors and reads a statement of the case.

At 9:10 a.m., the two jurors called to the box are sworn.

is examined on *voir dire*. The juror is admonished and is excused for hardship.

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[REDACTED] is examined on *voir dire*. The juror is admonished and is excused for hardship.

~\*~\*~\*~\*~ Recess – 9:37 a.m. ~\*~\*~\*~\*~

At 9:50 a.m., Court reconvenes with the presence of all parties previously present.

Counsel argue the motion for Reconsideration of Jury Panel Members. The Court **DENIES** the Motion for Reconsideration.

Counsel argue the Motion for Additional Preemptory Strikes. The Court takes the motion **under advisement**.

Discussion takes place with regard to potentially expanding the jury pool.

Discussion takes place with regard to pending motions.

The Court gives the State until Tuesday with regard to the Sorensen Motion.

Counsel argue the 15.6 Motion. The Court finds that the PowerPoint information is permissible for illustrative purposes, despite the fact of late disclosure. The Court will authorize its use for illustrative purposes for the expert that can lay a foundation for it.

~\*~\*~\*~\*~ Recess – 11:02 a.m. ~\*~\*~\*~\*~

At 11:23 a.m., Court reconvenes with the presence of all parties previously present.

Counsel argue the Motion to Preclude Testimony of Eric Gilkerson and John Hoang. The Court states that it does not have enough to preclude the evidence at this time. The Court believes that a hearing needs to take place on this issue.

~\*~\*~\*~\*~ Recess – 12:19 p.m. ~\*~\*~\*~\*~

At 1:32 p.m., Court reconvenes with the presence of all parties previously present. The jurors are not present.

Discussion takes place with regard to scheduling a hearing with regard to the shoeprint evidence.

Discussion takes place with regard to the jail policy that the Defendant not have any electronic devices in his hands. The Court states that this is the order of the Court as well. The Court authorizes Defense Counsel to have the Defendant view the materials in Court.

Counsel for the State informs the Court that all media print is contraband in the jail.

Discussion takes place with regard to the transport officers' concern regarding members of the Defendant's family running up behind the jail van as it is leaving. The Court requests that Counsel caution the Defendant's family and friends with regard to that issue.

[REDACTED], having been previously sworn yesterday, is examined on *voir dire*. The juror is admonished and is excused for hardship.

At 1:51 p.m., the following four jurors are called to the jury box.

[REDACTED] [REDACTED] [REDACTED]  
The Court addresses the jurors and reads a statement of the case.

At 2:01 p.m., the four jurors called to the box are sworn.

[REDACTED] is examined on *voir dire*. The juror is admonished and advised that she remains subject to recall. The juror exits the Courtroom.

~\*~\*~\*~\*~ Recess – 3:17 p.m. ~\*~\*~\*~\*~

At 3:28 p.m., Court reconvenes with the presence of all parties previously present. The jurors are not present.

[REDACTED] is examined on *voir dire*. The juror is admonished and is excused for hardship.

[REDACTED] is examined on *voir dire*. The juror is admonished and is excused for hardship.

[REDACTED] is examined on *voir dire*. The juror is admonished and is excused for hardship.

Discussion takes place with regard to juror numbered [REDACTED] on the call-back list, [REDACTED]. The Court will direct that she be brought in for further questioning.

Discussion takes place with regard to scheduling argument on pending motions.

**END TIME: 4:21 p.m.**

cc: VS (e)  
Jury Commissioner (re: excused jurors)  
Dean Trebesch (Contract Administrator) (PD) (e)  
Division 6 (under advisement)  
YCSO (e)  
John Napper, Counsel for Renee Girard (e)  
Christopher DuPont, Trautman DuPont PLC, 1726 North Seventh Street, Phoenix, AZ 85006,  
Counsel for Victims Charlotte and Katherine DeMocker